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PRESIDENT OF THE UNITED STATES.

EXECUTIVE ORDER

REVOCATION OF EXECUTIVE ORDER NO. 6192 OF JULY 3, 1933,
WITHDRAWING PUBLIC LANDS

California

By virtue of and pursuant to the authority vested in me by the act of June 25, 1910, ch. 421, 36 Stat. 847, as amended by the act of August 24, 1912, ch. 369, 37 Stat. 497, Executive Order No. 6192 of July 3, 1933, withdrawing public lands in California pending resurvey, is hereby revoked.

This order shall become effective upon the date of the official filing of the plat of the resurvey of the said lands.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
August 5, 1937.

[No. 7683]

[F. R. Doc. 37-2476; Filed, August 6, 1937; 9:56 a. m.]

EXECUTIVE ORDER

REVOCATION OF EXECUTIVE ORDER NO. 6288 OF SEPTEMBER 14,
1933, WITHDRAWING PUBLIC LANDS

Wyoming

By virtue of and pursuant to the authority vested in me by the act of June 25, 1910, ch. 421, 36 Stat. 847, as amended by the act of August 24, 1912, ch. 369, 37 Stat. 497, Executive Order No. 6288 of September 14, 1933, withdrawing public lands in Wyoming pending resurvey, and heretofore partially revoked, is hereby revoked as to the remainder of the lands involved.

This order shall become effective upon the date of the official filing of the plat of the resurvey of the said remaining lands.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
August 5, 1937.

[No. 7684]

[F. R. Doc. 37-2477; Filed, August 6, 1937; 9:56 a. m.]

EXECUTIVE ORDER

REVOCATION OF EXECUTIVE ORDER NO. 4699 OF AUGUST 1, 1927,
WITHDRAWING PUBLIC LANDS

California

By virtue of and pursuant to the authority vested in me by the act of June 25, 1910, ch. 421, 36 Stat. 847, as amended by the act of August 24, 1912, ch. 369, 37 Stat. 497, Executive Order No. 4699 of August 1, 1927, withdrawing public lands in California pending resurvey, is hereby revoked.

This order shall become effective upon the date of the official filing of the plat of the resurvey of the said lands.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
August 5, 1937.

[No. 7685]

[F. R. Doc. 37-2478; Filed, August 6, 1937; 9:56 a. m.]

EXECUTIVE ORDER

AMENDMENT OF EXECUTIVE ORDER NO. 7302 OF FEBRUARY 21,
1936, TRANSFERRING CERTAIN LANDS IN THE VIRGIN ISLANDS TO
THE CONTROL AND JURISDICTION OF THE SECRETARY OF THE
NAVY

By virtue of and pursuant to the authority vested in me by the act of March 3, 1917, ch. 171, 39 Stat. 1132, and the Second Deficiency Act, Fiscal Year 1931, 46 Stat. 1552, 1570, and as President of the United States, the last paragraph of Executive Order No. 7302 of February 21, 1936, transferring certain lands in the Virgin Islands from the control and jurisdiction of the Secretary of the Interior to the control and jurisdiction of the Secretary of the Navy for use in the establishment, construction, and operation of aviation facilities, is hereby amended to read as follows:

There is hereby excepted from the operation of this transfer the east beach and bath-house fronting on Lindbergh Bay, this area to be described more particularly hereafter by survey to be approved by the Secretary of the Interior. The use of this excepted area during seaplane operation shall be governed by such regulations as may be issued by the officer of the Navy Department charged by the Secretary of the Navy with the establishment, control, and operation of the aviation facilities in the Virgin Islands.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
August 5, 1937.

[No. 7686]

[F. R. Doc. 37-2479; Filed, August 6, 1937; 9:56 a. m.]

ENLARGING UINTA NATIONAL FOREST

UTAH

Correction

The land description appearing under "T. 8 S., R. 4 E.," on Page 1498 of the issue for Wednesday, July 21, 1937, in Executive Order No. 7663 (F. R. Doc. 37-2256; Filed, July 19, 1937; 2:33 p. m.), should read as follows:

T. 9 S., R. 3 E.,
sec. 1;
sec. 2, NE $\frac{1}{4}$;



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DEPARTMENT OF THE INTERIOR.

General Land Office.

RECREATIONAL WITHDRAWAL No. 32 REDUCED

JULY 26, 1937.

Departmental order of February 6, 1930, withdrawing upon petition of the State of Utah certain public lands in that State for recreational classification under the act of June 14, 1926 (44 Stat. 741), is hereby revoked in so far as it affects the following-described lands, the revocation to be effective upon the reservation of the lands as part of the Capital Reef National Monument:¹

SALT LAKE MERIDIAN

T. 29 S., R. 6 E.,
sec. 13, NW¼, (unsurveyed)
sec. 25, SW¼,
sec. 35, NE¼, 480 acres.

CHARLES WEST,

Acting Secretary of the Interior.

[F. R. Doc. 37-2475; Filed August 6, 1937; 9:44 a. m.]

STOCK DRIVEWAY WITHDRAWAL No. 127, UTAH No. 6, REDUCED

JULY 26, 1937.

Departmental order of March 8, 1920, as modified, which withdrew certain lands in Utah as Stock Driveway No. 127, Utah No. 6, under section 10 of the act of December 29, 1916 (39 Stat. 862), as amended by the act of January 29, 1929 (45 Stat. 1144), is hereby revoked as to the following-described lands, effective upon their inclusion in the Capitol Reef National Monument¹:

SALT LAKE MERIDIAN

T. 30 S., R. 6 E.,
sec. 1 (partly unsurveyed), E½ sec. 12;
T. 30 S., R. 7 E.,
W½W½ sec. 6, W½NW¼, S½ sec. 7, S½ of secs. 8 and 9,
NE¼ sec. 15, N½ sec. 17, N½N½, SE¼NE¼ sec. 18,
N½ sec. 23 (unsurveyed);
aggregating 3,160 acres.

CHARLES WEST,

Acting Secretary of the Interior.

[F. R. Doc. 37-2474; Filed, August 6, 1937; 9:44 a. m.]

DEPARTMENT OF AGRICULTURE.

Agricultural Adjustment Administration.

SR—B-101—Amendment 13

1937 AGRICULTURAL CONSERVATION PROGRAM—SOUTHERN REGION

BULLETIN 101—AMENDMENT 13

CONTENTS

- I. Method for computing the deduction to be applied against a producer's rice payment because of failure to have sufficient acreage of soil-conserving crops.
- II. Method for dividing the class I payment with respect to farms where there are two or more producers.
- III. Deletion of the provisions for the formulation by the Secretary of rules to govern the issuance of payments in case of death or incompetency of a producer occurring during the period of performance under the 1937 Agricultural Conservation Program.
- IV. Method for computing the deduction to be applied against a producer's rice payment because of excess acreage of other soil-depleting crops.
- V. Conditions under which two or more tracts of land in a county operated by the same person must be covered by separate work sheets and conditions under which such land may be covered by one work sheet.

NOTE.—Correction of certain typographical errors appearing in Southern Region Bulletin 101.

Pursuant to the authority vested in the Secretary of Agriculture under section 8 of the Soil Conservation and

¹ See Proclamation No. 2246, 2 F. R. 1637 (DI).

Domestic Allotment Act, as amended, Southern Region Bulletin 101,¹ as amended, is hereby further amended as follows:

I

Section 17, Minimum Acreage of Soil-Conserving Crops, is amended by adding at the end thereof the following:

1. In cases where any deduction computed pursuant to this section 17 cannot be made in full on the computation schedule prepared for the application for payment covering the farm, the portion of the remaining part of such deduction which shall be applied against any payment with respect to rice in the State which otherwise would be made to any interested person shown on the application for payment shall be determined as follows:

(a) Divide such remaining part of the deduction by the gross deduction for excess acreage of soil-depleting crops and deficit acreage of oil-conserving crops in order to obtain the percentage of the deduction which cannot be made on the computation schedule;

(b) Determine the minimum acreage of soil-conserving crops required with respect to each soil-depleting base except sugarcane and rice by prorating the part of the soil-conserving base in excess of 30 percent of the sugarcane base for the farm to each soil-depleting base, other than sugarcane and rice, established for the farm, on the basis of the acreage in such base and by adding thereto the acreage diverted from that base for payment;

(c) Deduct the acreage of soil-conserving crops on the farm from the acreage of soil-conserving crops required pursuant to this section 17 and divide the amount thus obtained by the acreage of soil-conserving crops required pursuant to this section 17, and state the result as a percentage;

(d) Multiply the minimum acreage of soil-conserving crops with respect to each soil-depleting base, determined in accordance with paragraph (b) above, by the percentage obtained pursuant to paragraph (c) above;

(e) Multiply the amount obtained under paragraph (d) above for each soil-depleting base by the percentage of the class I payment to which such person would be entitled with respect to that base if there were a class I payment and total the amounts thus obtained;

(f) Multiply the amount obtained under paragraph (e) above by the percentage obtained under paragraph (a) above; and

(g) Multiply \$3.00 by the amount obtained under paragraph (f) above, and the amount obtained under this paragraph (g) shall be applied against any payment which otherwise would be made to such person with respect to rice in the State.

II

Subsection (h), section 18, Division of Class I Payment where diversion was not made ratably, is amended to read as follows:

(h) *Division of Class I Payment.*—On farms where there are two or more producers, that portion of the class I payment which is to be divided among producers on the crop-share basis shall be divided among the producers entitled to share in the soil-depleting crop(s) in such base in the proportion that the acreage share of each such producer bears to the total acreage on the farm devoted in 1937 to such crop(s) except that if no acreage was devoted to the crop(s) in one or more soil-depleting bases in 1937, or if the County Committee finds that diversion was not made ratably by all producers on the farm, the portion of such payment to be made to any producer with respect to each soil-depleting base shall be

(1) in the proportion that his contribution to the difference between the respective soil-depleting base and the 1937 acreage of the crop(s) in such base bears to the total difference between such base and the 1937 acreage of the crop(s) in such base; or

(2) in the proportion that his acreage share of the respective soil-depleting base bears to such base for the farm.

In cases where the farm to be covered by an application for payment is composed of only one producer unit and no acreage on the farm is devoted in 1937 to the crop(s) in one or more soil-depleting bases established for such farm, the contribution of each producer in accordance with the provisions of either paragraph (1) or paragraph (2) of this subsection (h) may be determined by agreement of all producers on the farm signified in the presence of at least two members of the County Committee, provided the contribution of each interested person with respect to each soil-depleting base in connection with which a payment is made is in the same proportion that such person would have shared in that soil-depleting crop (or the proceeds thereof) under the lease or operating agreement.

In cases where the farm is composed of only one producer unit and no acreage on the farm was devoted in 1937 to the crop(s) in any one or more soil-depleting bases established for such farm the contribution of each interested person with respect to any soil-depleting base in connection with which a payment is made is not in the same proportion that such person would have shared in that soil-depleting crop (or the proceeds thereof) under the lease or operating agreement, and in cases

where the farm to be covered by an application for payment is composed of more than one producer unit and either no acreage on the farm was devoted in 1937 to the crop(s) in any one or more soil-depleting bases established for such farm or the County Committee finds that diversion was not made ratably, the contribution of each such producer may, subject to the approval of the Administrative Officer in Charge or the Acting Administrative Officer in Charge in the State office, acting with the advice and consent of the State Committee, be determined in accordance with the provisions of either paragraph (1) or paragraph (2) of this subsection (h) by agreement of all producers on the farm signified in the presence of at least two members of the County Committee, provided such agreement is found by the County Committee to be equitable to all concerned. In any such case there shall be submitted to the State Office, at the time of submission of the application for payment with respect to the farm, a certification signed by each producer in the presence of and approved by at least two members of the County Committee stating that the agreement has been reached voluntarily in accordance with the foregoing provisions.

In cases where the contribution of each producer is to be determined in accordance with the provisions of either paragraph (1) or paragraph (2) of this subsection (h) and agreement of all producers is not obtained as outlined above, the County Committee may recommend, subject to the approval of the Administrative Officer in Charge in the State Office, acting with the advice and consent of the State Committee, and of the Director of the Southern Division, its determination of the contribution of each producer, such recommendation to set forth fully the facts upon which such recommendation is based.

III

The last sentence of subsection (i) of section 18, which reads as follows: "In case of the death or incompetency of a producer occurring during the period of performance under the 1937 program, class I and class II payments shall be made or withheld in accordance with rules to be prescribed by the Secretary", is deleted.

IV

Part III, Rates and Conditions of Payment, is amended by adding at the end thereof the following new section:

SECTION 20. Deduction from Rice Payment Because of Excess Acreage of Other Soil-Depleting Crops.—In cases where any deduction computed pursuant to subsection (b) of sections 11, 12, 13, or 15 cannot be made in full on the computation schedule prepared for the application for payment covering the farm, the portion of the remaining part of such deduction which shall be applied against any payment with respect to rice in the State which otherwise would be made to any interested person shown on the application for payment shall be determined as follows:

(a) Divide such remaining part of the deduction by the gross deduction for excess acreage of soil-depleting crops and deficit acreage of oil-conserving crops in order to obtain the percentage of the gross deduction which cannot be made on the computation schedule;

(b) Multiply the deduction for excess acreage of the crop(s) in each soil-depleting base by the percentage obtained under paragraph (a) above; and

(c) Multiply each amount obtained under paragraph (b) above by the percentage of the class I payment to which such person would be entitled with respect to that soil-depleting base if there were a class I payment, and the sum of the amounts obtained under this paragraph (c) shall be applied against any payment which otherwise would be made to such person with respect to rice in the State.

Subsection (c) of section 62 is amended to read as follows:

(c) If two or more tracts of land in the same county are under different ownerships, even though they are operated by the same person, each such separately owned tract shall be covered by a separate work sheet. In case an operator rents from the same person a part of a tract of land on shares and the remainder of such tract for cash, or in case a person rents a part of a tract of land to one or more tenants on shares and a part of the same tract of land to the same tenant(s) for cash, all such land may be covered by one work sheet.

NOTE

The following typographical errors appear in the printed pamphlet edition of Southern Region Bulletin 101 but did not appear in the original or in the print in the Federal Register of January 5, 1937:

(1) On page 7, practice number 13, the figure "30" should read "50", the paragraph correctly reading as follows:

Practice Number—Practices and Conditions—Rate

13. Manganese sulphate applied in 1937 on soil-conserving crops, but payment will not be made on an amount in excess of 50 pounds per acre (per 100 pounds): 2.00.

(2) On page 20, in paragraph (1) of subsection (f) of section 62, the words "each person" should read "such person", the paragraph correctly reading as follows:

¹ 2 F. R. 10 (DI).

(1) An application for payment covering two or more farms in a county which are operated by the same person may be made only with the consent (indicated by signatures on the application for payment) of all persons who, as owner, share-tenant, or share-cropper, have an interest in the crops (or the proceeds thereof) grown in 1937 on any farm covered by the application; except that the signature of any person shall not be required in order to permit a grouping of such farms if such person would not receive a payment if each such farm were covered by a separate application for payment.

Done at Washington, D. C., this 4th day of August, 1937.
Witness my hand and the seal of the Department of Agriculture.

[SEAL]

M. L. WILSON,
Acting Secretary of Agriculture.

[F. R. Doc. 37-2486; Filed, August 6, 1937; 12:29 p. m.]

Bureau of Entomology and Plant Quarantine.

B. E. P. Q.—Q. 38

Revision effective September 1, 1937

BLACK STEM RUST QUARANTINE

[Quarantine No. 38]

Introductory Note

An important change in the following revision of the Black Stem Rust Quarantine is the addition of the States of Missouri, Pennsylvania, Virginia, and West Virginia to the list of States previously designated as protected.

Under paragraph A of regulation 3, persons intending to move barberry or mahonia plants other than *Berberis thunbergii* or its rust resistant varieties into the protected States, shall make application to the Bureau of Entomology and Plant Quarantine, Washington, D. C., not later than June 1 (September 1 for this calendar year). Applications covering shipments proposed to be made during the next fiscal year may be denied if inspection by the department before the close of the active growing season cannot be arranged.

Summary

Unless a permit has been issued by the United States Department of Agriculture, these regulations as now revised prohibit the movement of *Berberis* or *Mahonia* plants, except *Berberis thunbergii* and its rust-resistant varieties, into or between the States of Colorado, Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Montana, Nebraska, North Dakota, Ohio, Pennsylvania, South Dakota, Virginia, West Virginia, Wisconsin, and Wyoming. For further details see regulation 2.

Persons intending to move *Berberis* or *Mahonia* plants (except *Berberis thunbergii* or any of its rust-resistant varieties) shall make application for a permit to the Bureau of Entomology and Plant Quarantine, Washington, D. C. See regulation 3 for further details.

Information relative to cancellation of permits, marking requiring, inspection of restricted articles in transit, and shipments by the United States Department of Agriculture are given in regulations 4 to 7 inclusive.

LEE A. STRONG,
Chief, Bureau of Entomology and Plant Quarantine.

NOTICE OF QUARANTINE NO. 38 (REVISED)

I, M. L. Wilson, Acting Secretary of Agriculture, have determined that, in order to prevent the spread of a dangerous plant disease known as the black stem rust (*Puccinia graminis*), not heretofore widely prevalent or distributed within and throughout the United States and largely brought under control through the eradication of the various susceptible varieties and species of *Berberis* and *Mahonia* in the States of Colorado, Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Montana, Nebraska, North Dakota, Ohio, Pennsylvania, South Dakota, Virginia, West Virginia, Wisconsin, and Wyoming, it is necessary to quarantine all States of the continental United States and the District of Columbia, in

order to prevent the interstate spread of said disease into and among the States named.

Now, therefore, under authority conferred by section 8 of the Plant Quarantine Act of August 20, 1912 (37 Stat. 315), as amended by the act of March 4, 1917 (39 Stat. 1134, 1165), and having duly given the public hearing required thereby, I do quarantine each and every State of the continental United States and the District of Columbia, effective on and after September 1, 1937. Hereafter, under the authority of said act of August 20, 1912, amended as aforesaid, no plants of common barberry or other species of *Berberis* or *Mahonia*, or parts thereof capable of propagation, shall be shipped, offered for shipment to a common carrier, received for transportation or transported by a common carrier, or carried, transported, moved, or allowed to be moved from any of said quarantined States or District into any of the protected States, namely, Colorado, Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Montana, Nebraska, North Dakota, Ohio, Pennsylvania, South Dakota, Virginia, West Virginia, Wisconsin, and Wyoming, nor from any one of said protected States into any other protected State, in manner or method or under conditions other than those prescribed in the rules and regulations hereinafter made and in amendments thereto.

Done at the city of Washington this 4th day of August 1937.

Witness my hand and the seal of the United States Department of Agriculture.

[SEAL]

M. L. WILSON,
Acting Secretary of Agriculture.

REVISED RULES AND REGULATIONS SUPPLEMENTAL TO NOTICE OF QUARANTINE NO. 38

[Approved August 4, 1937; effective September 1, 1937]

Regulation 1. Definitions

For the purpose of these regulations the following words, names, and terms shall be construed, respectively, to mean:

(a) *Black stem rust*.—The disease known as the black stem rust of grains (*Puccinia graminis*) in any stage of development.

(b) *Berberis*.—Any plants, cuttings, stocks, scions, buds, fruits, seeds, or parts of plants of any species, variety, or hybrid of the genus *Berberis*, capable of propagation; commonly known as barberries.

(c) *Mahonia*.—Any plants, cuttings, stocks, scions, buds, fruits, seeds, or parts of plants of any species, variety, or hybrid of the genera *Mahonia* (*Odostemon*) or *Mahoberberis*, capable of propagation; commonly known as *Mahonias*, hollygrapes, holly barberries, or Oregon grapes.

(d) *Inspector*.—An inspector of the United States Department of Agriculture.

(e) *Moved or allowed to be moved interstate*.—Shipped, offered for shipment to a common carrier, received for transportation or transported by a common carrier, or carried, transported, moved or allowed to be moved from one State or District of the continental United States into any other State or District.

Regulation 2. Restrictions on the Movement of *Berberis* and *Mahonia*

(a) No *Berberis* or *Mahonia* shall be moved or allowed to be moved interstate from any State of the continental United States or from the District of Columbia into any of the protected States, namely, Colorado, Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Montana, Nebraska, North Dakota, Ohio, Pennsylvania, South Dakota, Virginia, West Virginia, Wisconsin, and Wyoming, nor from any one of said protected States into any other protected State, unless a permit shall have been issued therefor by the United States Department of Agriculture, except that no restrictions are placed by these regulations on the interstate movement either of Japanese barberry (*Berberis thunbergii*) or any of its rust-resistant varieties, or of cuttings (without roots) of

Mahonia shipped for decorative purposes and not for propagation.

(b) No *Berberis* or *Mahonia* of species, varieties, or hybrids sufficiently susceptible to infection by black stem rust, in the judgment of the Department, to involve danger of spread of the rust shall be moved or allowed to be moved interstate into any of the said protected States, and no permit will be issued authorizing such movement.

(c) No restrictions are placed by these regulations on the interstate movement of *Berberis* or *Mahonia* consigned to destinations located outside the 17 protected States named herein.

Regulation 3. Conditions Governing the Issuance of Permits

(a) *Applications.*—Persons intending to move or allow to be moved interstate into any of the protected States any of the articles the movement of which is restricted under regulation 2, shall make application to the Bureau of Entomology and Plant Quarantine, Washington, D. C., for permit as far as possible in advance of the probable date of shipment. Applications received after June 1¹ covering shipments proposed to be made during the following fiscal year may be denied if inspection by the department before the close of the active growing season can not be arranged. Applicants will be required to agree that no *Berberis* or *Mahonia* susceptible to infection by black stem rust will be grown in any nursery or nurseries owned or controlled by the applicant or will be distributed by him. The application shall show a complete list of all *Berberis* and *Mahonia* grown by the applicant or proposed to be distributed by him, and the number of plants of each species or variety so grown or to be distributed.

(b) The department may require such specimens or other evidence as to the identity of the species, varieties, and hybrids grown and may make such inspections as may be necessary to determine such identity. Permits will be issued as to only such species as have proven to the satisfaction of the department not sufficiently susceptible to infection by black stem rust to involve danger of spread of the rust.

(c) Permits will not be issued for the interstate movement to destinations within the States named in regulation 2 of *Berberis vulgaris* or any of its horticultural varieties or of any other species, hybrids, or varieties of *Berberis* or *Mahonia* sufficiently susceptible to infection by black stem rust, in the judgment of the department, to involve danger of spread of the rust.

Regulation 4. Cancellation of Permits

Permits issued under these regulations may be withdrawn or canceled by the inspector and further permits refused, either for any failure of compliance with the conditions of these regulations or violation of them, or whenever in the judgment of the inspector the further use of such permits might result in the dissemination of *Berberis* and *Mahonia* susceptible to infection by black stem rust.

Regulation 5. Marking Requirements

Every box, bale, or other container of restricted articles of which inspection is required by these regulations shall be plainly marked with the name and address of the consignor and the name and address of the consignee and shall bear, securely attached to the outside thereof, a valid permit issued by an inspector in compliance with these regulations.

In the case of carload and other bulk shipments, a valid permit shall accompany the waybills, conductors' manifests, memoranda, or bills of lading pertaining to such shipments; or in the case of truck or other road vehicle the permit shall accompany the vehicle.

Regulation 6. Inspection of Restricted Articles in Transit

Any car, vehicle, basket, box, or other container moved or offered to a common carrier for shipment interstate which contains or which the inspector has probable cause to believe contains articles the movement of which is prohibited

or restricted by these regulations shall be subject to inspection by an inspector at any time or place.

Regulation 7. Shipments by the United States Department of Agriculture

Articles subject to restriction in these regulations may be moved interstate by the United States Department of Agriculture for experimental or scientific purposes, on such conditions and under such safeguards as may be prescribed by the Bureau of Entomology and Plant Quarantine. The container of articles so moved shall bear, securely attached to the outside thereof, an identifying tag from the Bureau of Entomology and Plant Quarantine showing compliance with such conditions. These revised rules and regulations shall be effective on and after September 1, 1937, and shall on that date supersede the rules and regulations promulgated June 24, 1931, as amended, effective February 20, 1935.

Done at the city of Washington this 4th day of August 1937.

Witness my hand and the seal of the United States Department of Agriculture.

[SEAL]

M. L. WILSON,
Acting Secretary of Agriculture.

APPENDIX

Penalties

The Plant Quarantine Act of August 20, 1912 (37 Stat. 315), provides that no person shall ship or offer for shipment to any common carrier, nor shall any common carrier receive for transportation or transport, nor shall any person carry or transport from any quarantined State or Territory or District of the United States, or from any quarantined portion thereof, into or through any other State or Territory or District, any class of nursery stock or any other class of plants, fruits, vegetables, roots, bulbs, seeds, * * * or any other article * * * specified in the notice of quarantine * * * in manner or method or under conditions other than those prescribed by the Secretary of Agriculture. It also provides that any person who shall violate any of the provisions of this act, or who shall forge, counterfeit, alter, deface, or destroy any certificate provided for in this act or in the regulations of the Secretary of Agriculture, shall be deemed guilty of a misdemeanor and shall, upon conviction thereof, be punished by a fine not exceeding \$500 or by imprisonment not exceeding one year, or both such fine and imprisonment, in the discretion of the court.

[F. R. Doc. 37-2473; Filed, August 5, 1937; 1:59 p. m.]

FEDERAL HOME LOAN BANK BOARD.

AMENDMENT TO RULES AND REGULATIONS FOR FEDERAL SAVINGS AND LOAN ASSOCIATIONS

FEDERAL ASSOCIATIONS MAY, IN MAKING LOANS UPON SMALL APARTMENT HOUSES, LEND NOT IN EXCESS OF 60% OF VALUE WHEN AUTHORIZED BY THE BOARD.

Be it resolved, That pursuant to authority vested in the Federal Home Loan Bank Board by subsection (a) of Section 5 of Home Owners' Loan Act of 1933 (12 U. S. C. 1464 (a)), subsection (b) of Section 39¹ of the Rules and Regulations for Federal Savings and Loan Associations is hereby amended by adding at the end thereof, the following:

When the members of a Federal association at a legal meeting have authorized loans to be made, from time to time, in an amount exceeding 50 percent of the value of the security of that type of other improved property which in home or combination home and business property for more than four families, but for not more than twelve families (hereinafter termed "small apartment houses") the association may make any such loan, after approval

¹ September 1 in the case of calendar year 1937.

¹ 1 F. R. 2107.

by the Board of such lending practice for such association. Prior to making such loans, application in a form satisfactory to the Board shall be made for approval of such lending practice. Such application shall set forth the area or areas in which the applicant desires to make such higher percentage loans on small apartment houses and evidence of ability to make and service such loans. If and when the Board has given such approval, such higher percentage loans on small apartment houses in the specified areas may be made in amounts not in excess of 60 percent of the value of such small apartment houses. Loans made pursuant to such approval of such lending practice are included in the 15 percent limitation in Section 5 (c) of Home Owners' Loan Act of 1933.

Be it further resolved, That, it being deemed this is a major amendment affecting matters of general principle or policy, and not of an emergency character, pursuant to the provisions of subsection (a) of Section 54 of the Rules and Regulations for Federal Savings and Loan Associations, such amendment shall be effective 30 days from August 3, 1937.

Adopted by the Federal Home Loan Bank Board on August 3, 1937.

[SEAL]

H. CAULSEN, Assistant Secretary.

[F. R. Doc. 37-2483; Filed, August 6, 1937; 12:07 p. m.]

AMENDMENT TO RULES AND REGULATIONS FOR FEDERAL SAVINGS AND LOAN ASSOCIATIONS

PRESCRIBED FORMS OF CERTIFICATES EVIDENCING MEMBERSHIP IN FEDERAL SAVINGS AND LOAN ASSOCIATIONS

Be it resolved, That pursuant to authority vested in the Federal Home Loan Bank Board by subsection (a) of Section 5 of Home Owners' Loan Act of 1933 (12 U. S. C. 1464 (a)), Section 35 of the Rules and Regulations for Federal Savings and Loan Associations is hereby amended to read as follows:

All Federal associations having charters in the form of Exhibit K annexed hereto shall issue certificates of membership evidencing the ownership of savings share accounts, investment share accounts and borrower's memberships in the respective forms set forth in Exhibit M, annexed hereto, and made a part hereof, which certificates are prescribed for use by each such Federal association and shall not be revised or modified unless and until the Board prescribes different forms for use by all Federal associations having Exhibit K charters. All certificates issued shall be numbered consecutively by type or otherwise. Each owner of an investment share account shall be issued either an investment share account book containing a certificate in the front thereof and evidencing the participation value of such investment share account or a separate certificate not contained in an investment share account book. Each owner of a savings share account shall be issued a savings share account book containing a certificate in the front thereof and evidencing the participation value of such savings share account. Each borrower shall receive a loan account book in the front of which shall be a certificate. Other legal accounting and descriptive material may be used in connection with the prescribed forms of certificates, but the form or use of such material is not prescribed.

Be it further resolved, That Exhibit M. of the Rules and Regulations for Federal Savings and Loan Associations is amended to read as follows:

EXHIBIT M¹

PRESCRIBED FORMS OF CERTIFICATES EVIDENCING MEMBERSHIP

1. Form of certificate evidencing ownership of a Savings Share Account which is required to be printed in the front of a Savings Share Account Book (Form K2):

This certifies that _____ is a member of _____ Federal Savings and Loan Association and holds a Savings Share Account of said association, subject to its charter and bylaws and to the laws of the United States of America.

2. Form of certificate evidencing ownership of an Investment Share Account prescribed for use when printed in the front of an Investment Share Account Book (Form K2B):

This certifies that _____ is a member of _____ Federal Savings and Loan Association and holds an Investment Share Account of said association, subject to its charter and bylaws and to the laws of the United States of America.

3. Form of certificate evidencing ownership of an Investment Share Account prescribed for use when printed as a separate certificate not contained in a share account book (Form K3):

This certifies that _____ is a member of _____ Federal Savings and Loan Association and holds a _____ Dollar Investment Share Account of said association, subject to its charter and bylaws and to the laws of the United States of America.

4. Form of Borrower's Membership Certificate required to be printed in the front of a loan account book (Form K12):

This certifies that _____ is a member of _____ Federal Savings and Loan Association and holds a loan from said association, subject to its charter and bylaws and to the laws of the United States of America.

The following legal, accounting and descriptive material may be used in connection with the foregoing forms of certificates:

(a) "Certificate No. _____", provided, however, any other method of identifying the number of certificate issued may be used.

(b) Any words which clearly indicate the type of certificate issued may be used as a title, e. g., "Savings Share Account", "Certificate for Savings Share Account", "Borrower's Membership Certificate" or "Certificate for Borrower's Membership". The title used, however, shall not conflict with the provisions of the certificate itself. There is no requirement that a title be used.

(c) A witness clause substantially in the following form shall be used on each certificate unless the execution of the certificate is attested by the secretary or an assistant secretary with the seal of the association:

"Witness the authorized signature(s) of officer or employee this _____ day of _____, 19____"

In any event, each certificate shall bear the date of issuance.

(d) Each certificate shall be manually signed in the name of the association by an officer or an employee designated by the board of directors as required by Section 8 of the bylaws, but may be signed in the name of the association by two or more officers or employees as determined by the board of directors pursuant to Section 7 of the bylaws, e. g.,

_____ Federal Savings and Loan Association _____

Authorized Signature

The title of the officer or officers designated to sign certificates may or may not appear under his or her signature or their signatures. The name of the association must appear above the manual signature or signatures.

Be it further resolved, That, it being deemed that this is a major amendment affecting matters of general principle or policy, and not of an emergency character, pursuant to the provisions of subsection (a) of Section 54 of the Rules and Regulations for Federal Savings and Loan Associations, such amendment shall be effective 30 days from July 26, 1937. Federal associations to whom a charter in the form of Exhibit K have heretofore been issued prior to the date of this resolution are authorized, however, to continue to issue certificates of membership as prescribed by the Board in Exhibit M of the Rules and Regulations for Federal Savings and Loan Associations in the present form prior to the taking effect of the foregoing amendment of Section 35 of such rules and regulations until the supply of such certificates on hand on the date of this resolution have been exhausted.

Be it further resolved, That this resolution repeals and rescinds the first resolution adopted by the Board on May 14, 1937, with respect to the four legal forms listed therein, to-wit: Form K2, Form K2B, Form K3, and Form K12, and the respective forms of certificates set forth in Exhibit M as amended by the foregoing resolution shall be referred to wherever necessary by the same form numbers.

Be it further resolved, That a copy of this resolution be made available by the Governor of the Federal Home Loan Bank System to any printing or forms supply concern requesting the same for reproduction and sale to Federal savings and loan associations, subject to the following condition: When any such form is printed for use as a sample, it shall contain the following notation thereon: "Form prescribed by the Federal Home Loan Board, July 26, 1937", and that the Governor be authorized to obtain the printing of a supply of this resolution and the forms prescribed by this resolution at the lowest bid price sufficient for distribution of a copy thereof to all Federal savings and loan associations.

¹ 2 F. R. 199 (DI).

Adopted by the Federal Home Loan Bank Board on July 26, 1937.

[SEAL]

H. CAULSEN, Assistant Secretary.

[F. R. Doc. 37-2484; Filed, August 6, 1937; 12:07 p. m.]

Home Owners' Loan Corporation.

AMENDMENT OF REGULATIONS ON EXTENSION OF TIME FOR PAYMENTS¹

Be it resolved, That pursuant to the authority vested in the Board by Home Owners' Loan Act of 1933 (48 Stat. 128, 129), as amended by Sections 1 and 13 of the Act of April 27, 1934 (48 Stat. 643-647) and particularly by Sections 4-a and 4-k of said Act as amended, Section 213 of Chapter II of the Manual be amended by adding thereto a new subsection to be designated (1) which shall read as follows:

(1) Where analysis of the home owner's circumstances indicates that the following conditions exist:

(a) that the arrearage in the home owner's account resulted from adverse economic conditions or emergencies,

(b) that the home owner's present circumstances and the record of his payments during the past six months indicate his apparent ability to pay the outstanding balance within a period not exceeding the remaining term of the loan,

(c) that the home owner is able to keep his account in good standing by paying the installments provided in the extension to be granted as they mature, and

(d) that the home owner is able to make prompt payment of insurance premiums, taxes, assessments, ground rents, or other levies or charges as they mature.

Provided that in no event shall the period of repayment extend beyond fifteen years from the date of the original loan.

Be it further resolved, That pursuant to such authority Section 213 of Chapter II of the Manual be further amended by adding thereto the following paragraph:

(6) In any case in which an extension is not authorized under the provisions of this section but in the opinion of the Regional Manager the circumstances of the home owner and the conditions of the security justify special treatment, the file shall be forwarded to the General Manager who shall submit the same to the Board for consideration.

Be it further resolved, That the remaining subsections of Section 213 be renumbered appropriately.

Adopted by the Federal Home Loan Bank Board on August 3, 1937.

[SEAL]

H. CAULSEN, Assistant Secretary.

[F. R. Doc. 37-2481; Filed, August 6, 1937; 12:06 p. m.]

[Manual Amendment]

EXTENSION OF TIME FOR PAYMENTS¹

Be it resolved, That pursuant to the authority vested in the Board by Home Owners' Loan Act of 1933 (48 Stat. 128, 129) as amended by Sections 1 and 13 of the Act of April 27, 1934 (48 Stat. 643-647) and particularly by Sections 4-a and 4-k of said Act as amended, numbered subparagraph (1) of Section 213 of Chapter II of the Manual be amended by striking the last word, "agreement", therefrom and substituting therefor the words "original loan", so that said subparagraph, as amended be renumbered "(2)" and read as follows:

(2) Where a delinquent home owner desires to sell to a purchaser who is able and willing to assume his obligations to the Corporation but who is unable to presently

pay the entire amount of indebtedness already matured, provided that in no case shall the period of repayment exceed 15 years from the date of the original loan.

Adopted by the Federal Home Loan Bank Board on August 3, 1937.

[SEAL]

H. CAULSEN, Assistant Secretary.

[F. R. Doc. 37-2482; Filed, August 6, 1937; 12:06 p. m.]

FEDERAL TRADE COMMISSION.

Commissioners: William A. Ayers, Chairman, Garland S. Ferguson, Jr., Charles H. March, Ewin L. Davis, Robert E. Freer.

[File No. 21-300]

IN THE MATTER OF PROPOSED TRADE PRACTICE RULES FOR THE POPULAR PRICED DRESS MANUFACTURING INDUSTRY

NOTICE OF OPPORTUNITY TO OFFER SUGGESTIONS OR OBJECTIONS

This matter now being before the Federal Trade Commission under its Trade Practice Conference procedure, in pursuance of the Act of Congress approved September 26, 1914, (38 Stat. 717);

Opportunity is hereby extended by the Federal Trade Commission to any and all persons affected by or having an interest in the proposed trade practice rules for the Popular Priced Dress Manufacturing Industry, to present to the Commission their views upon the same, including suggestions or objections, if any. For this purpose they may, upon application to the Commission, obtain copies of the proposed rules. Communications of such views should be made to the Commission not later than August 24, 1937. Opportunity for oral hearing will be afforded at 10 a. m., August 24, 1937, in the main hearing room, Federal Trade Commission Building, 815 Connecticut Avenue, N. W., Washington, D. C., to such persons as may desire to appear, and who have made prior written or telegraphic requests to be heard orally. After giving due consideration to such suggestions or objections as may be received concerning the proposed rules, the Commission will proceed to their final consideration.

By direction of the Commission.

[SEAL]

OTIS B. JOHNSON, Secretary.

Entered August 4, 1937.

[F. R. Doc. 37-2480; Filed, August 6, 1937; 10:24 a. m.]

INTERSTATE COMMERCE COMMISSION.

ORDER

At a Session of the Interstate Commerce Commission, Division 5, held at its office in Washington, D. C., on the 20th day of July, A. D. 1937

IN THE MATTER OF AMENDMENT OF MOTOR CARRIER BODILY INJURY LIABILITY AND PROPERTY DAMAGE LIABILITY SURETY BOND FORM B. M. C. 37 FOR FILING BY MOTOR CARRIERS OF PROPERTY UNDER SECTION 215, MOTOR CARRIER ACT, 1935

The matter of amendment of surety bond form under the above title being under consideration:

It is ordered, That motor carriers of property may file with the Commission for approval motor carrier bodily injury liability and property damage liability surety bonds under Section 215, Motor Carrier Act, 1935, on Form B. M. C. 37, heretofore prescribed by Order of August 3, 1936,¹ amended by the deletion from said form the words "passengers or" wherever they occur, and by the deletion of all reference to passenger equipment appearing in Column (1) and the limits of liability therefor appearing in Columns (2), (3) and (4) of the "Schedule of Limits" contained in said form.

By the Commission, division 5.

[SEAL]

W. P. BARTEL, Secretary.

[F. R. Doc. 37-2485; Filed, August 6, 1937; 12:24 p. m.]

¹ 1 F. R. 1509.

¹ 1 F. R. 1444.

